IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

OP.No. 2747 of 2001(S)

OA.925/2000 of CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH
.....

PETITIONER:

P.K.AMMINIKUTTY AMMA
W/O. LATE P.SREEDHARAN NAIR, RETD. U.D.CLERK
O/O. THE GARRISON ENGINEER, FORT KOCHI
RESIDING AT PARAVAKKAL EDATHIL HOUSE
ARYANAD NORTH, ALAPPUZHA DIST.

BY ADV. SRI.P.CHADRASEKHAR

RESPONDENTS:
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1. UNION OF INDIA, REP. BY SECRETARY TO GOVT. OF INDIA
   MINISTRY OF DEFENCE, NEW DELHI

2. THE GARRISON ENGINEER (PROJECT)
   FORT KOCHI, KOCHI-1

3. THE CHIEF CONTROLLER, DEFENCE ACCOUNTS (P) C.C.D.A.
   ALLAHABAD

4. THE DEPUTY CONTROLLER, DEFENCE ACCOUNTS
   J.C.D.A. (FUNDS_, MEERUT

5. THE SR. MANAGER, CANARA BANK. B.J.ROAD, ALAPPUZHA

BY ADV. SRI.D. SREEKUMAR CGSC

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO: 4568/01 IN O.P. 2747/01

DISMISSED:

256.2007 SD/- K.S.RADHAKRISHNAN, JUDGE

SD/- ANTONY DOMINIC, JUDGE

APPENDIX

PETITIONER'S EXTS:

EXT.P1: PHOTO COPY OF THE ORDER NO: O.A. 925/00 DT. 20.12.2000

jj /TRUE COPY/

P.A. TO JUDGE

K.S. RADHAKRISHNAN & ANTONY D0MINIC, JJ.

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O.P. No. 2747 OF 2001 S
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Dated this the 25th June, 2007

J U D G M E N T

Radhakrishnan, J.

This writ petition is filed against the order passed by the Central Administrative Tribunal in O.A. No. 925 of 2000. The petitioner sought a direction to quash Annexure-A6 as also not to effect any recovery from the applicant's family pension and for an order directing the respondents herein to pay to her family pension without making any deductions or recovery therefrom. The Tribunal quashed Annexure-A6 order, but declined to grant the relief, ie. for a direction to pay family pension. As per Annexure-A6 there is no move to effect any recovery or deduction from the family pension due to the applicant, but only from the pensionary relief. We notice that the Tribunal has found that the demand made by the respondents is barred by limitation, but ordered that the amount could be recovered from the pensionary relief granted to the petitioner. We fail to see how, in view of the finding

that the demand is barred by limitation. Under such circumstances the original petition is disposed of with the direction to the respondents not to effect any recovery or deduction from the petitioner's pensionary relief and to pay to her the entire pensionary benefits due to her. The amount, if any, deducted would be released to her forthwith.

K.S. RADHAKRISHNAN
JUDGE

ANTONY DOMINIC
JUDGE

jan/